



82

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Mutsumi KIMURA et al.

Group Art Unit: 2871

Application No.: 09/077,029

Examiner: A. Schechter

Filed: May 18, 1998

Docket No.: 040499

For: MATRIX TYPE DISPLAY DEVICE AND MANUFACTURING METHOD THEREOF

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 2, 2005 Election of Species Requirement, Applicants provisionally elect Species I, Figure 8, claims 1, 56, 58, 72, 76-81, and 91, with traverse. As conceded by the Office Action, claims 4, 9-19, 32, 51, 54, 55, 60-63, 66-71, 73-75, 82-90 and 92-99 are generic.

The courtesies extended to Applicants' representative by Examiner Schechter during the telephone interview held March 30, 2005, are appreciated. The reasons presented during the interview as warranting withdrawal of the Election of Species Requirement are incorporated into the remarks below and constitute the record of the interview.

The Examiner is thanked for confirming, as stated in the Examiner's Interview Summary, that the Election of Species I will result in the examination of at least claims 1, 4, 9-19, 32, 51, 54-56, 58, 60-63 and 66-99. Thus, the remainder of the traversal argument pertains only to dependent claims 3 and 64.

The Examiner is also thanked for confirming that dependent claims 3 and 64, depending from claims that will be examined, would be rejoined in the event that the claims from which they depend are found to be allowable, as stated in the Examiner's Interview Summary.

The species labeled in the Office Action as Species I and II should not be considered as patentably distinct because both of Species I and II relate to a difference between predetermined positions and peripheries of the predetermined positions.

Further, the species labeled in the Office Action as Species III and IV are not patentably distinct because both are related to the distribution of repellency and lyophilicity.

It is also respectfully submitted that the subject matter of species I, II, III and IV is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of non-elected claims 3 and 64 along with elected claims 1, 4, 9-19, 32, 51, 54-56, 58, 60-63 and 66-99 could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application where only two claims are non-elected in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Mark R. Woodall
Registration No. 43,286

JAO:MRW/sqb

Date: April 4, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--